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GROUP 1800

Patent Docket P0175C2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Arjun Singh</p> <p>Serial No.: 08/448,946</p> <p>Filed: 24 MAY 1995</p> <p>For: USE OF ALPHA FACTOR SEQUENCES IN YEAST EXPRESSION SYSTEMS</p>	<p>Group Art Unit: 1805</p> <p>Examiner: S. Priebe</p> <hr/> <p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on</p> <p>January 25, 1996</p> <p><i>Pamela Gavette</i></p> <p>Pamela Gavette</p>
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**INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR §1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$220) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$220.00 to cover the cost of this Information

Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$130) set forth in 37 CFR §1.17(i)(1) and a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith:

[x] each ☐ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. 06/506,098, filed 20 JUN 1983 and relied upon in this application for an earlier filing date under 35 USC §120.

For the convenience of the Examiner, a copy of the Search Report from the EPO is enclosed. In addition, enclosed are copies of the Motion (4) by the Party Brake Pursuant to 37 C.F.R. § 1.633(a) for Judgment on the Ground that the Claims of Party Singh Are Unpatentable under 35 U.S.C. §§ 102(a) and 103, the Declaration of Dr. Anthony Brake, and the Brake Exhibits 2 and 3 in support of the Motion, filed in Interference No. 102,728 involving the parent of this application. The Brake abstract, Ref. 17, is an abstract of the talk referred to by Dr. Brake in his Declaration and correlated with Brake Exhibit 2. Brake Exhibit 3 (Ref. 24) was cited to the Examiner in the grandparent application referred to above.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

GENENTECH, INC.

Date: January 25, 1996

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